

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

THE DUTRA GROUP,

Plaintiff,

v.

NATIONAL LABOR RELATIONS BOARD, a federal administrative agency, WILLIAM B. COWEN, in his official capacity as the Acting General Counsel of the National Labor Relations Board, MARVIN E. KAPLAN, in his official capacity as the Chairman of the National Labor Relations Board, DAVID M. PROUTY, in his official capacity as Board Members of the National Labor Relations Board, JILL H. COFFMAN, in her official capacity as a Regional Director for the National Labor Relations Board, and JOHN DOE in his official capacity as an Administrative Law Judge of the National Labor Relations Board,

Defendants.

Civil Action No. 25-_____

DECLARATION OF HARRY STEWART
IN SUPPORT OF PLAINTIFF'S EMERGENCY MOTION FOR
A TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

Pursuant to 28 U.S.C. § 1746, I, Harry Stewart, declare as follows:

1. My name is Harry Stewart. I am over 18 years of age and of sound mind.
2. I am currently the President and Chief Executive Officer (“CEO”) of The Dutra Group Inc. (“Dutra”).
3. In my role as President and CEO, I have knowledge about Dutra’s operations.
4. Dutra is an industry-leading marine construction company that performs dredging and other marine construction projects in numerous ports, harbors, coastal areas, and other waterways throughout the United States.
5. Dutra provides vital services like maintaining navigational channels, supporting coastal restoration, and managing flood control.
6. Much of the Dutra work is on government contract projects for heavy and civil engineering construction.
7. Dutra uses dredges, crane barges, tugboats, barges, scows, workboats, and other boats for these projects.
8. Most of Dutra’s employees that work on its dredges, boats, and equipment are represented by various locals for the International Union of Operating Engineers (“Operating Engineers”) and covered by agreements Dutra has entered into with the Operating Engineers.
9. Dutra’s dredges generally work on a project basis with various barges and boats utilized in support of the dredges depending on the location and needs of the project.
10. Dutra operated a hopper dredge named the *Columbia* from in or around October 2009 until it was decommissioned in or around January 2023. A hopper dredge is a large self-propelled vessel and mostly a self-contained dredging operation. Hopper dredges are most often used for dredging long and wide waterways such as harbor entrances and navigation channels.

11. By contrast, mechanical dredges are essentially barges with a crane. Mechanical dredges are typically used for work closer to a shoreline or in smaller or narrower waterways.

12. From October 2009 to January 2023, Dutra and the International Organization of Masters, Mates & Pilots (“MM&P”) entered into agreements regarding the terms and conditions of employment for personnel aboard the *Columbia*. Dutra’s recognition of MM&P in their agreements was limited to personnel employed specifically aboard the *Columbia* and each agreement explicitly stated that it applied only to personnel employed aboard the *Columbia*. The term of the last agreements between Dutra and MM&P expired on March 31, 2024.

13. The *Columbia* worked on projects in several locations along the Gulf Coast, including, but not limited to, Galveston Harbor, Freeport Harbor, Brazo Harbor Island, and Sabine Neches.

14. At times, Dutra used its boats named the *Cape Anne* and *Gracie Jean* to ferry personnel and supplies from the nearest port to the *Columbia*.

15. A boat doing this type of work is commonly referred to as a crew boat or support boat.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 02/26/25

Signature: _____

A handwritten signature in blue ink, appearing to be "H. Hall", is written over a horizontal line.